



U.S. Department of Justice

*United States Attorney's Office
Eastern District of New York*

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August 13, 2013

SUBMITTED VIA ECF AND BY HAND

The Honorable Sterling Johnson, Jr.
United States District Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *U.S. ex rel. Piacentile and Kilcoyne v. Amgen, Inc., et al.*
Civil Action No. CV-04-3983 (Johnson, J.) (Levy, M.J.)

Dear Judge Johnson:

In accordance with Your Honor's Order dated August 12, 2013, with this letter, the United States submits by hand courtesy copies of the motions pending before the Court in the above-referenced action. There are three motions pending before the Court. The first is the motion of the United States to dismiss Relators' complaint against Amgen Inc. Relators filed two additional motions in connection with the government's motion to dismiss: (1) a request for oral argument; and (2) a motion to strike the government's reply brief in support of its motion to dismiss, or in the alternative, for leave to file a sur-reply. A list of the documents associated with each motion and the party that submitted each document is provided below:

**A. MOTION OF THE UNITED STATES TO DISMISS RELATORS' COMPLAINT
AGAINST AMGEN INC.**

By the United States:

1. Notice of Motion to Dismiss Relators' Complaint Against Amgen. Docket Entry 79.

2. Memorandum of Law in Support of the Motion of United States to Dismiss Relators' Claims Against Amgen Inc. Docket Entry 79-1.
3. Appendix to the Motion of the United States to Dismiss Relators' Claims Against Amgen Inc., Part 1. Docket Entry 79-2.
4. Appendix to the Motion of the United States to Dismiss Relators' Claims Against Amgen Inc., Part 2. Docket Entry 79-3.

By Relators Piacentile and Kilcoyne:

5. Relators' Memorandum of Law in Opposition to the Motion of the United States to Dismiss Relators' Claims Against Amgen Inc. Docket Entry 80.
6. Appendix to Relators' Memorandum of Law in Opposition to the Motion of the United States to Dismiss Relators' Claims Against Amgen Inc., Exhibits A-K. Docket Entries 80-1, 80-2.
7. Appendix to the Relators' Memorandum of Law in Opposition to the Motion of the United States to Dismiss Relators' Claims Against Amgen Inc., Exhibits L-W. Docket Entry 80-3.
8. Declaration of Robert A. Magnanini filed with the Memorandum of Law in Opposition to the Motion of the United States to Dismiss Relators' Claims Against Amgen Inc. Docket Entry 80-4.
9. Declaration of David S. Stone filed with the Memorandum of Law in Opposition to the Motion of the United States to Dismiss Relators' Claims Against Amgen Inc. Docket Entry 80-5.

By the United States:

10. Reply Memorandum in Support of the Motion of the United States to Dismiss Relators' Claims Against Amgen. Docket Entry 81.
11. Appendix to the Reply Memorandum in Support of the Motion of the United States to Dismiss Relators' Claims Against Amgen, Part 1. Docket Entry 81-1.

12. Appendix to the Reply Memorandum in Support of the Motion of the United States to Dismiss Relators' Claims Against Amgen, Part 2. Docket Entry 81-2.

13. Appendix to the Reply Memorandum in Support of the Motion of the United States to Dismiss Relators' Claims Against Amgen, Part 3. Docket Entry 81-3.

By Relators Piacentile and Kilcoyne:

14. Relators' Notice of Supplemental Authority filed March 18, 2013. Docket Entry 94. Exhibit A to Relators' Notice of Supplemental Authority filed March 18, 2013. Docket Entry 94-1. Exhibit B to Relators' Notice of Supplemental Authority filed March 18, 2013. Docket Entry 94-2.

By the United States:

15. United States' Response to Notice of Supplemental Authority filed March 21, 2013. Docket Entry 95.

By Relators Piacentile and Kilcoyne:

16. Relators' Notice of Supplemental Authority filed July 1, 2013. Docket Entry 109. Exhibit A to Relators' Notice of Supplemental Authority filed July 1, 2013. Docket Entry 109-1.

By the United States:

17. United States' Response to Notice of Supplemental Authority filed July 2, 2013. Docket Entry 110.

B. RELATORS' MOTION FOR ORAL ARGUMENT ON MOTION TO DISMISS.

By Relators Piacentile and Kilcoyne:

18. Letter Motion by Relator Piacentile for Oral Argument on the United States' Motion to Dismiss Relators' Claims Against Amgen Inc. Docket Entry 83.

19. Letter Motion by Relator Kilcoyne for Oral Argument on the United States' Motion to Dismiss Relators' Claims Against Amgen Inc. Docket Entry 88.

**C. RELATORS' MOTION TO STRIKE PORTIONS OF THE REPLY
MEMORANDUM IN SUPPORT OF THE MOTION TO DISMISS OR, IN THE
ALTERNATIVE, FOR LEAVE TO FILE A SUR-REPLY.**

By Relators Piacentile and Kilcoyne:

20. Notice of Motion to Strike Portions of Reply Memorandum in Support of the Motion of the United States to Dismiss Relators' Complaint Against Amgen Inc., or in the alternative, for leave to file a Sur-Reply. Docket Entry 87.
21. Relators' Memorandum in Support of Relators' Motion to Strike Portions of Reply Memorandum in Support of the Motion of the United States to Dismiss Relators' Claims Against Amgen Inc., or in the alternative, for leave to file a Sur-Reply. Docket Entry 91. Exhibit A to Relators' Memorandum in Support of Relators' Motion to Strike Portions of Reply Memorandum in Support of the Motion of the United States to Dismiss Relators' Claims Against Amgen Inc., or in the alternative, for leave to file a Sur-Reply. Docket Entry 91-1.

By the United States:

22. Memorandum of Law of the United States in Opposition to Relators' Motion to Strike Portions of the Reply Memorandum in Support of the Motion of the United States to Dismiss Relators' Claims Against Amgen Inc. or in the alternative, for leave to file a Sur-Reply. Docket Entry 92.

By Relators Piacentile and Kilcoyne:

23. Relators' Reply Memorandum in Support of Relators' Motion to Strike Portions of Reply Memorandum in Support of Motion of the United States to Dismiss Relators' Claims Against Amgen Inc., or in the alternative, for leave to file a Sur-Reply. Docket Entry 93.

Respectfully submitted,

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cc without enclosures (via ECF):

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